

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -January 23, 2018

The Special Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Fire Hall at 7:00 P.M.

Roll Call: Heinrich, Higgins, Klimko, Noone, Norris (*arrived at 7:10*),
Thompson, Valle.

Absent: Klimko

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Tara St. Angelo, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Mayor Higgins opened the meeting by recognizing Senator Michael Doherty and Assemblyman John DiMaio.

Senator Doherty gave a brief history of the Mt. Laurel lawsuit that dates back to 1975, in which the town of Mt. Laurel was setting up a zoning pattern, in which resulted in a lawsuit that went all the way up to the Supreme Court. The result was every town was now placed with an obligation for affordable housing. In 1985 a builder’s remedy was passed, all of which puts a burden on local communities.

The Township of Greenwich in Warren County was used as an example of builder’s remedy and affordable housing. Their population doubled over night. Schools had to be built, infrastructure had to be expanded all of which put a financial strain on the town and its tax payers who had to fund the improvements. They had to accept hundreds of low income housing and the rest were regular housing. Senator Doherty expressing that he and Assemblyman DiMaio are against this.

Senator Doherty stated that he and Assemblyman DiMaio are her tonight to listen to concerns of the residents and fight on their behalf.

Mayor Higgins thanked the Senator and Assemblyman and turned the meeting over to Borough Attorney Tara St. Angelo.

Attorney St. Angelo gave a PowerPoint presentation explaining the COAH obligations, lawsuits and what the outcome would be to settle the lawsuit of the state-imposed predicament. Attorney St. Angelo added that the borough has done everything it was required to do. The borough will need to come up with 59 units.

Public Comment

Linda (last name inaudible) Bangor, Pa., asked if the land proposed to sell is that going to be adjacent to the current Washington cemetery and added that the cemetery is not maintaining the property. The place looks like a dump.

Mayor Higgins responded that the town is not selling to the cemetery, the property owner who owns that land would. The cemetery is interested in 15 acres of that property. The owner can ask for however much they want to sell it for the 15 acres.

Linda went on to say there is no perpetual care there. Rituals that people perform at gravesite make a mess and are not being cleaned up. Mayor Higgins stated that most of the cemetery is not in the borough.

Mayor Higgins explained that they are being told by the judge to come to a settlement, if it goes to trial we can be court ordered, and not a whole lot the borough can do once its ordered.

Mayor Higgins referred Linda to the Township of Washington to express her complaints, since that part of the cemetery is in the Township.

Michael Franks, Nunn Avenue, stated that the borough needs to defend itself a little better, in which he added he didn't have no time to prepare for this.

Mr. Franks stated that he sees not a lot of common sense going into it.

Mr. Franks discussed his concerns of through traffic on Nunn Avenue.

Mayor Higgins interjected and stated that no one up here agrees with being forced, but when the courts rule the borough has to abide by it. Mayor Higgins stated it was his opinion they are being held hostage.

Jennifer Lamberti, McDonald St., inquired about counter offering. Attorney St. Angelo responded that yes, the borough has been. Attorney St. Angelo stated that currently part of the offer to the judge is single family homes, some land to cemetery and a cell tower.

Ms. Lamberti inquired about taking what the borough already has and making those houses into affordable housing. St. Angelo responded that deed restrictions cause issues with houses being designated as affordable houses.

Genevieve Buker(sp), Franklin Township, spoke about the cemetery and how burning is going on with paper money which is part of religious rituals, and stated this should not be permitted. Ms. Buker stated she isn't against anyone's religion but they are burning clothes and material

stuff that is not allowed to be burned, they are throwing things on tops of caskets, jewelry, pottery etc.

Ms. Buker stated she is part of the Rolling Thunder foundation that supports the Vets and was there tonight and had seen a new road is being made right next to the grave sites of Veterans.

Ms. Buker asked if there were any negotiations the borough could do for the cemetery to not get the 15 acres and the borough do something else with it.

Mayor Higgins again reiterated that the property owner can sell it to whoever he wants.

Mayor Higgins asked for a show of hands on who was here for the opposition of the cemetery or for opposition with the developer itself (*majority showed for developer*).

Leslie Greenwald, Washington Township, stated that this was up for approval five or ten years ago and stated maybe it could be designated as a superfund, wetlands, sewer capacity, which can't accommodate it. Mayor Higgins stated they tried everything.

Jackie (last name inaudible), Nunn Ave., spoke about the narrowness of Nunn Avenue and how her front porch is right on the road and stated if they plan to widen the road she will lose her front door.

Mayor Higgins stated this was all explained to the Judge, the width of the road and Fire and EMS access and possible delay in response time.

Mary Jo Harris, asked the Council what can residents do to stop this, and asked if a petition would help.

Assemblyman DiMaio stated that residents can start by writing letters to leaderships in both houses to urge them to post the bills.

Senator Doherty concurred with Assemblyman DiMaio and added that a lot of good legislation has been prepared to address these issues.

Senator Doherty stated that he and DiMaio are fully engaged and on board to assist in any way they can and will follow up on this.

Mary Jo Harris asked is the rental landlord owned or family owned. Attorney St. Angelo stated its both forms. Ms. Harris stated then what is the vested interest if you're not a homeowner, what's the attachment to the community.

Scott McDonald, North Prospect St. (former borough mayor), asked if the borough goes with an agreement does there still have to be site plan approval. St. Angelo answered yes.

Mr. McDonald asked what would happen if planning board doesn't approve plan. St. Angelo stated borough could be sued citing the builders remedy law.

Mr. McDonald spoke on the subject of bog turtles being seen on the property and having the DEP come and do a survey specifically for the turtles.

Carol Harrington, Lenape Trail, stated her back yard is on the tip of the cul-de-sac and has photographed on a regular basis animals (wildlife). Ms. Harrington referred to her video of bears playing in her hammock that she posted to social media.

Ms. Harrington spoke about the water coming down the hill from rain storms and stated that her and her neighbors are really worried.

Ms. Harrington asked if the Westgate Apartments are counted and asked if any apartment complex can be counted. Attorney St. Angelo stated that the apartment complex has to have a deed restriction on property.

Jennifer Lamberti, McDonald St., asked if money from open space tax could be used to fight this and asked how is the borough going to meet its obligation of 59 units.

Michael Franks, Nunn Avenue, read a letter he wrote six years ago that would pertain to this tonight and asked council to consider their options.

Attorney St. Angelo explained the steps that are to be taken with a trial with the judge for numbers. A trial was conducted in Mercer County, if the judge makes a decision on that case, it will be statewide for the numbers, which they could have available to them 10 units per acre.

Councilwoman Josephine stated they have been working on purchasing this property, and stated that the Governing Body doesn't want it developed.

Scott Davis, Lenape Trail, asked if this goes forward when would they do construction and remove the woods.

Mayor Higgins stated it would be contingent upon ordinances and a site plan being approved.

Mr. Davis stated that they started removing trees six or seven years ago. Mayor Higgins stated that they are permitted to removing trees. Mr. Davis stated that the soil is being eroded and retention ponds not being maintained resulting in back up issues. Rats are a big issue since the cemetery went in.

Mayor Higgins stated that this is the hardest decision the council will have to ever make and will look at everything presented to them.

Mayor and Council thanked everyone who came out to participate in the meeting.

EXECUTIVE SESSION

A motion was made by Heinrich seconded by Valle to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter and contract negotiations.

Ayes: 6 Nays: 0
Motion Carried.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is:

____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

A motion was made by Klimko seconded by Norris to come out of Executive Session at 10:18 pm.

ADJOURNMENT

Mayor David Higgins

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